

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MATT A. DAVIS,

Plaintiff,

V.

COUNTY OF MADISON, IL, et al.,

Defendant.

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Civil No. **06-336-WDS**

ORDER

PROUD, Magistrate Judge:

Before the Court is plaintiff Davis's motion to compel defendants Brad Besson, John Chiurato and Diane Fritschle to produce documents purportedly requested pursuant to Federal Rule of Civil procedure 34. **(Doc. 79)**. However, the attachment to the motion are copies of responses to requests for documents made pursuant to the Freedom of Information Act sometime before March 2006. In any event, according to plaintiff, the defendants have refused to produce requested documents because they believe plaintiff should already have the requested documents in his possession. Plaintiff asserts that he does not have the requested documents.

As a preliminary matter, it must be noted that Local Rule 26.1(b)(3) requires any discovery motion to include copies or verbatim recitations of the discovery requests at issue. Plaintiff has failed to comply with this procedural requirement. Normally, the motion would be stricken; however, defendants Besson, Chiurato and Fritschle have provided the Court with the necessary documentation. **(Doc. 81)**.

Defendants Besson, Chiurato and Fritschle respond that they have now provided plaintiff

with the requested documentation.

IT IS THEREFORE ORDERED that plaintiff's motion to compel (**Doc. 79**) is
DENIED AS MOOT.

IT IS SO ORDERED.

DATED: April 10, 2008

s/ Clifford J. Proud
CLIFFORD J. PROUD
U. S. MAGISTRATE JUDGE